



PATENT
Customer No. 22,852
Attorney Docket No. 6530.0170-05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Continuation Application of:)
Juergen KORTENBACH)
Application. No.: 10/612,005) Group Art Unit: 3731
Filed: July 3, 2003) Examiner: Unassigned
For: FLEXIBLE ENDOSCOPIC SURGICAL)
INSTRUMENT FOR INVAGINATION)
AND FUNDOPLICATION)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the document on the attached listing. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

A copy of the listed U.S. patent is not enclosed. Applicant respectfully requests that the Examiner consider the listed document and indicate that it was considered by making appropriate notations on the attached IDS Form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "prior art." If the Examiner applies the document as prior art against any claims in the application and Applicant determines that the cited document

does not constitute "prior art" under United States law, Applicant reserves the right to present to the Patent Office the relevant facts and law regarding the appropriate status of such a document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

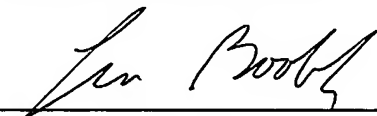
If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 30, 2004

By: _____


Leslie I. Bookoff
Reg. No. 38,084

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

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of

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Complete if Known

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|------------------------|-----------------------|
| Application Number | 10/612,005 |
| Filing Date | July 3, 2003 |
| First Named Inventor | Juergen A. KORTENBACH |
| Art Unit | 3731 |
| Examiner Name | Unassigned |
| Attorney Docket Number | 06530.0170-05 |

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

| Examiner Initials | Cite No. ¹ | Document Number Number-Kind Code ² (if known) | Issue or Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|-------------------|-----------------------|---|---|---|---|
| | | US-5,403,326 | 03-26-1985 | Crossley | |
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Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004**FOREIGN PATENT DOCUMENTS**

| Examiner Initials | Cite No. ¹ | Foreign Patent Document Country Code ³ Number ⁴ Kind Code ⁵ (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | Translation ⁶ |
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NON PATENT LITERATURE DOCUMENTS

| Examiner Initials | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation ⁶ |
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| Examiner Signature | | Date Considered | |
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.